



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,849	09/24/2003	Nicholas F. Ciminello	FIS920030272US1	4387
23550 7590 07/10/2007 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER BHAT, ADITYA S	
			ART UNIT 2863	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/669,849

Applicant(s)

CIMINELLO ET AL.

Examiner

Aditya S. Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,11 and 13 is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 6-9 and 14-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Huang et al. (USPUB 2002/0197136).

With regards to claim 1 Huang et al. (USPUB 2002/0197136) teaches a system for testing an traveling vehicle, the system comprising:

a test fixture (fig 2) for supporting the overhead traveling vehicle(34,36) in a stationary state during testing, the test fixture including;

a C-shaped rail;(figure 2)

a rotatable bearing set for rotatably engaging a outside edge of a wheel of the traveling vehicle during testing; and (82;See figure 3)

wherein the rotatable bearing set (Page 2, Para 0019, lines 12-13) is mounted to the C-shaped rail, and the rotatable bearing set is positioned in a first extremity of the C-shaped rail(fig 2); and

a data collector for collecting data regarding an operation parameter of the traveling vehicle. (Page 2, Para 0018, lines 11-18)

It should be noted that Merriam-Webster online dictionary defines bearing as a machine part in which another part (as a journal or pin) turns or slides and defines the term rotate; to cause to turn or move about an axis or a center

With regards to claim 6 Huang et al. (USPUB 2002/0197136) teaches the data collector further comprises a data analyzer for analyzing the operation parameter of the traveling vehicle. (Page 2, Para 0018, lines 10-18)

With regards to claim 7-9, 14-15 and 18, Huang et al. (USPUB 2002/0197136) teaches a reflective section and the traveling vehicle includes an optical sensor for interaction with the reflective section, and wherein the operation parameter includes a reading of the optical sensor. (Page 2, Para 0019, lines 7-8)

With regards to claim 10 Huang et al. (USPUB 2002/0197136) teaches a test fixture for supporting an overhead traveling vehicle for testing, the test fixture comprising:

a rotatable bearing set for rotatably engaging an outside edge of a wheel of the overhead traveling vehicle such that the wheel can rotate but the overhead traveling vehicle remains stationary; (Page 1, Para 0007, lines 12-15) and

a raised support for supporting the rotatable bearing set, wherein the raised support includes a C-shaped rail, and wherein the rotatable bearing set is mounted in a lower extremity of the C-shaped rail. (Fig 2)

With regards to claim 16 Huang et al. (USPUB 2002/0197136) teaches a method of calibrating an traveling vehicle, the method comprising:

supporting the traveling vehicle on a test fixture, in a stationary state, by rotatably supporting each wheel of the traveling vehicle with a rotatable bearing set including a pair of rotatable bearings; (see figure 2) (Page 2, Para 0007, lines 12-15)

operating a portion of the traveling vehicle; (see figure 2) and adjusting a control of the traveling vehicle to calibrate the traveling vehicle. (col. 2, lines 41-45)

With regards to claim 17 Huang et al. (USPUB 2002/0197136) teaches the test fixture includes a rail substantially similar to that which the traveling vehicle is configured to operate on. (figure 2)

With regards to claim 19 Huang et al. (USPUB 2002/0197136) teaches the operating step includes driving each wheel with a respective servomotor, and the adjusting step includes adjusting at least one servomotor control. (Page 2, Para 0020, lines 13-18)

With regards to claim 20 Huang et al. (USPUB 2002/0197136) teaches the adjusting step includes calibrating the traveling vehicle to have an operation parameter that substantially matches that of a replaced traveling vehicle. (Page 3, Para 0036)

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 4-5, 11 and 13:

See office action mailed on 9/5/2006

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2863

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-11 and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lin et al. (USPN 6,715,978) teaches an interbay transfer interface between an automated material handling system and a stocker and Midis et al. (USPN 3,263,625) teaches electrical control systems for point to point transit systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

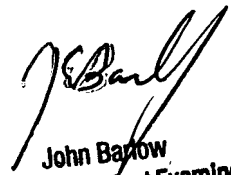
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 2863

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aditya Bhat
May 8, 2007



John Barlow
Supervisory Patent Examiner
Technology Center 2800